IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3915 of 2005

Between:

Shahnaz Begum D/o. Syed Maqbool Uddin,
R/o. H.No. 19-2-21/23/B/10, Basharath Nagar, Kalepathar,

Hyderabad.

..... PETITIONER

AND

The Passport Officer, Regional Passport Office,
Near Clock Tower, Secunderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ order or direction declaring the action of the respondent authority in not receiving the fresh application of the petitioner for the correction of the date of birth as 18-6-1982 instead of 12-2-1977 and the father's name as SYED MAQBOOLUDDIN instead of SYED MAQBOOL MIYA in her passport, as illegal, null and void and consequently, direct the respondent authority to receive the fresh application of the petitioner as per rules and issue the passport in favour of the petitioner by correcting the petitioner's date of birth as 18-6-1982 instead of 12-2-1977 and the father's name as SYED MAQBOOLUDDIN instead of SYED MAQBOOL MIYA in the passport.

Counsel for the Petitioner:MR.K.VENUMADHAV

Counsel for the Respondent: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court at the admission stage made the following :

O R D E R:

Heard the learned counsel for the petitioner and the learned standing counsel for the Central Government appearing for the respondent-Passport Authority.

It is the case of the petitioner that her date of birth was wrongly mentioned as 12-2-1977 instead of 18-06-1982 in the passport issued by the respondent-Passport Authority, and her father's name was also wrongly mentioned as Syed Maqbool Miya instead of Syed Maqbool Uddin. When she filed an application to the respondent-Passport Authority to alter her date of birth and her father's name in the Passport and issue fresh passport, the respondent-Passport Authority refused to entertain the same. Aggrieved by the said action of the respondent, this writ petition is filed.

It is required to notice that there is no provision under the Passports Act, 1967, which empowers the Regional Passport Officer to correct entries in the Passport. However, pursuant to the judgment of the High Court of Judicature at Bombay, in W.P.No.1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18-04-2001, which are to the following effect:

> " (a) Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth is the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
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> (b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the

necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

(c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth."

As of today, if any request for correction of date of birth in the passport is made, the Passport Issuing Authority is required to follow the aforementioned instructions. In that view of the matter, the respondent ought to have considered the application of the petitioner for fresh passport in the light of the above instructions in Circular dated 18-04-2001.

Accordingly, the Writ Petition is disposed of with a direction to the respondent to consider the request of the petitioner afresh on the basis of her application dated 05-02-2005 for issuance of fresh passport with correct date of birth and process the same after verifying the genuineness or otherwise thereof basing on the documents the petitioner may file in support of her case for change of date of birth in the light of the aforementioned circular and pass appropriate orders.

With the above directions, the writ petition is disposed of. No costs.

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01-03-2005

To

1. The Passport Officer, Regional Passport Office,
   Near Clock Tower, Secunderabad.

2. Two C.D. copies.

Note:

CC by three days.

(Bo)

sj